

REMARKS

Claims 1-24 remain pending in the reissue application. No claims have been amended. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

Claims 1-3 and 13-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Emerson (U.S. 2,918,917). The rejection is respectfully traversed.

Emerson discloses apparatus for vibrating a patient's airway. As pointed out at column 1, lines 31-34 of Emerson:

"The method and apparatus of the present invention may be used to vibrate a column of gas during both the period of a patient's inhalation and the period of his exhalation or during either of said periods."

Further, at column 1, lines 41-47:

"The vibration of the column of gas provided by the invention is in addition to the patient's respiration ... and at a much more rapid rate...."

Therefore, there is no teaching or suggestion in Emerson for coordinating the vibrating swings in pressure to the air column with the patient's actual respiratory pattern. Thus, Emerson does not suggest the following limitations of independent claims 1 and 13:

- a) "monitoring a respiration pattern of the mammal to determine a first time period during which the mammal is inhaling and a second time period during which the mammal is exhaling"
- b) "inducing at least a partial vacuum ... during the first time period" (emphasis added)
- c) "removing the at least partial vacuum during the second time period" (emphasis added)

Claim 1, its dependent claims 2-3 and claim 13 and its dependent claims 14-15 are believed to be patentably distinguishable over Emerson.

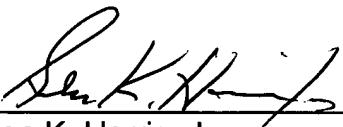
Applicant gratefully acknowledges the continued allowability of claims 4-12 and 16-24.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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